

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP, LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; and JAMES
MAY,

Defendants.

No. 2:21-cv-00811

PLAINTIFF BUNGIE, INC.'S
OBJECTIONS TO THE COURT'S
PROPOSED VOIR DIRE SCRIPT

Pursuant to the Court's November 27, 2023 email, Plaintiff Bungie, Inc. ("Bungie" or "Plaintiff") submits the following objections to the Court's proposed voir dire script.

I. OBJECTION NO. 1

The Court's Proposed Language:

NATURE OF THE CASE

6. Plaintiff Bungie, Inc. owns all rights, title, and interest in the copyrights to Destiny 2 and Destiny 2: Beyond Light, including U.S. copyright registrations for the computer software. Destiny 2 is a shared-world first-person shooter video game created and owned by Bungie. Destiny 2 was released in September 2017

Bungie's Proposed Language & Objection:**NATURE OF THE CASE**

6. Plaintiff Bungie, Inc. owns all rights, title, and interest in the copyrights to Destiny 2 and Destiny 2: Beyond Light, including U.S. copyright registrations for the computer software and audiovisual works. Destiny 2 is a shared-world first-person shooter video game created and owned by Bungie. Destiny 2 was released in September 2017

Objection: Bungie objects to the first sentence of the first paragraph of No. 6 of the Court's proposed voir dire script, because it omits that Bungie owns copyrights in and is asserting copyright infringement claims of both Bungie's computer software *and* audiovisual works. As indicated above, Bungie proposes adding language clarifying that its copyrights protect both computer software and audiovisual works. *See* Dkt. 245 ("Pretrial Order") Admitted Facts ¶ 3 (identifying copyright registrations for the computer software and audiovisual works).

II. OBJECTION NO. 2**The Court's Proposed Language:****GENERAL QUESTIONS**

10. I will now ask counsel to list the witnesses they intend to call
- (a) Plaintiff – If any juror believes he or she knows any of the witnesses, please raise your hand.
 - (b) Defendants – Same with Defendants' witnesses.

Objection: As discussed during the Pretrial Conference, Bungie objects to paragraph No. 10 of the Court's proposed voir dire script to the extent it requires Defendants to identify by name the witness referred to as "John Doe." *See* Dkt. No. 244. As suggested during the Pretrial Conference, Bungie proposes that the Court ask the members of the jury whether they know any employees of Bungie or Phoenix Digital and to identify who they know. Alternatively, and to also account for the unlikely possibility that a prospective juror knows John Doe but does not know that John Doe works at Bungie, the Court could explain the situation and identify John Doe to the

1 jurors after moving Defendants to a Zoom breakout room or via any other method that protects
2 John Doe's identity from being revealed to Defendants (e.g., sending the list of witness names
3 through the chat feature to only the members of the jury).

4
5 DATED: December 1, 2023

By: s/William C. Rava

William C. Rava, Bar No. 29948

Christian W. Marcelo, Bar No. 51193

Jacob P. Dini, Bar No. 54115

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, Washington 98101-3099

Telephone: +1.206.359.8000

Facsimile: +1.206.359.9000

WRava@perkinscoie.com

CMarcelo@perkinscoie.com

JDini@perkinscoie.com